

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CLECAK,

No. C 08-1987 WDB

Plaintiff,

ORDER FOLLOWING INITIAL CASE
MANAGEMENT CONFERENCE

v.

APPLE COMPUTER, INC.'S
SHORT AND LONG TERM
DISABILITY PLAN,

Defendant.

On July 24, 2008, the Court conducted an Initial Case Management Conference in this matter. For reasons more fully explained on the record, the Court ORDERS as follows:

1. Counsel for Plaintiff and Defendant promptly must meet and confer to decide whether they agree upon the standard of review that would apply to this case should the undersigned ultimately be asked to assess the Plan administrator's decision. If counsel do not agree about the standard of review and, instead, would like the Court to decide the issue, Plaintiff's counsel must file a Motion addressing this issue **by no later than September 2, 2008.**

2. On the record during the Conference, the parties indicated that they were amenable to attempting to resolve this action through mediation. Accordingly, the Court decided to defer setting a trial date until after the parties have attended the mediation. The parties are to use the time leading up to the mediation to undertake the exchanges and development of evidence that are necessary to have a productive mediation. The undersigned

1 will forward a copy of this Order to the Court's ADR Program, and a staff member from the
2 program will contact counsel to schedule a mediation.

3 3. If the parties are not able to resolve the case through mediation, they must
4 appear before the undersigned on **Wednesday, October 29, 2008, at 1:30 p.m.**, for a further
5 case management conference during which the Court will set a trial date.¹ Counsel may
6 appear by telephone for the conference by notifying the undersigned's administrative law
7 clerk at least two days before the hearing at (510) 637-3324. **By no later than Monday,**
8 **October 27, 2008, at noon**, the parties must electronically file a Further Joint Case
9 Management Statement that describes the status of their development of the case and
10 suggests a specific plan and schedule for completing its litigation. The parties must not
11 include in this Statement any information about the substance of their settlement
12 negotiations.

13 If the matter settles before October 29, 2008, the parties must promptly prepare and
14 file dismissal papers and notify the Court by calling (510) 637-3324.

15 IT IS SO ORDERED.

16 Dated: July 25, 2008

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19 WAYNE D. BRAZIL
20 United States Magistrate Judge
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27 ¹ The date for this conference may change if Plaintiff's counsel files a Motion seeking a decision
28 from the Court about the standard of review.